

EXHIBIT C

In The Matter Of:
DR. KAMIAR ALAEI v.
STATE UNIVERSITY OF NEW YORK, et al.

DR. HARVEY CHARLES
January 13, 2021

COVERING ALL UPSTATE NEW YORK

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DR. HARVEY CHARLES

1

1 STATE OF NEW YORK

2 COURT OF CLAIMS

3 -----:

4 In the Matter of the Claim by

5 DR. KAMIAR ALAEI,

6 Claimant,

7
8 - Against -

Claim Number:

9 132554

10 STATE UNIVERSITY OF NEW YORK,

11 STATE UNIVERSITY OF NEW YORK AT ALBANY,

12 and THE STATE OF NEW YORK,

13 Respondents.

14 -----:

15 DEPOSITION of: DR. HARVEY CHARLES

16 (Respondent Agent)

17
18 Wednesday, January 13, 2021

19 10:09 a.m. - 1:14 p.m.

20
21
22 HELD: Via Zoom Video Conferencing

23
24 Reported by: Deborah M. McByrne

DR. HARVEY CHARLES

2

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2
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19
20
21 ALSO PRESENT:

22 DR. KAMIAR ALAEI, Claimant

DR. HARVEY CHARLES

3

S T I P U L A T I O N S

IT IS HEREBY STIPULATED, by and between the attorneys hereto, that:

All rights provided by the C.P.L.R, and Part 221 of the Uniform Rules for the Conduct of Depositions, including the right to object to any question, except as to form, or to move to strike any testimony at this examination is reserved; and in addition, the failure to object to any question or to move to strike any testimony at this examination shall not be a bar or waiver to make such motion at, and is reserved to, the trial of this action.

This deposition may be sworn to by the witness being examined before a Notary Public other than the Notary Public before whom this examination was begun, but the failure to do so or to return the original of this deposition to counsel, shall not be deemed a waiver of the rights provided by Rule 3116 of the C.P.L.R, and shall be controlled thereby.

The filing of the original of this deposition is waived.

IT IS FURTHER STIPULATED, that a copy of this examination shall be furnished to the attorney for the witness being examined without charge.

DR. HARVEY CHARLES

4

1 DR. HARVEY CHARLES,
2 was called as a witness, and having been first
3 duly sworn, is examined and testified as
4 follows:

5 EXAMINATION BY

6 MR. CASTIGLIONE:

7 Q. Good morning. And is it Dr. Charles?

8 A. Dr. Charles is fine, absolutely.

9 Q. Okay. Good morning, Dr. Charles. If you recall, my
10 name is Joe Castiglione. I'm an attorney with the
11 law firm of Young/Sommer and we represent
12 Kamiar Alaei.

13 You are here today as a possible
14 witness concerning Mr. Alaei's claims against New
15 York State concerning employment with SUNY Albany.
16 The point of this deposition is I'm going to ask you
17 some questions, probe what knowledge or information
18 you may have that's relevant to Dr. Alaei's claims.

19 And during the course of my
20 questioning, just so you're aware, your attorney,
21 Anthony, may make an objection. That's between the
22 attorneys for purposes of preserving the record.
23 You still have to answer the question unless you're
24 otherwise specifically directed not to answer the
25 question.

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1 As you're aware, the stenographer is
2 here, Debbie. She sworn you in under oath. She's
3 here to create a transcript of what we're talking
4 about today and the documents we'll be going
5 through. So as part of her job to type things up
6 just so it's clear, let me ask my question first and
7 let me finish it, and then you can answer, because
8 she can't type us both communicating at the same
9 time.

10 And if an objection is made, also,
11 similarly, let it be made and then you can answer
12 unless specifically directed otherwise. And
13 everything will be on the record with the
14 stenographer typing it, unless the attorneys agree
15 to go off the record, then we'll go off the record
16 and deal with what we have to and the stenographer
17 will stop typing.

18 So if I ask you any questions, please
19 respond to the best of your ability. If you don't
20 understand the question, you can certainly ask me to
21 rephrase and I'll try to do my best. But otherwise,
22 I'll assume that you understand the question as
23 presented.

24 A. Sure.

25 Q. And if you can -- Have you ever been deposed before?

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1 A. Yes.

2 Q. Okay. So just to be clear, we need yes or no
3 responses, verbal responses. It's just common in
4 communication, people nod their head or make a
5 noise. So just to be clear, if you can, you know,
6 articulate your response.

7 If at any time you need to take a
8 break, use the bathroom, if you want to talk to your
9 counsel, just let us know. We can do that. You do
10 have to answer the question posed to you before you
11 can take a break to speak with your counsel, so just
12 to be aware of that.

13 And is there any reason today that you
14 can't respond truthfully or accurately to my
15 questions to the best of your ability?

16 A. No reason that I can think of.

17 Q. Okay. Can you state, again, your name for the
18 record, please?

19 A. Harvey Charles.

20 Q. Okay. And did you review any documents today in
21 advance of this deposition, Dr. Charles?

22 A. Yes, I believe that I -- yes.

23 Q. What documents did you review?

24 A. I reviewed the -- I'm not sure how I should refer to
25 it, but effectively, the complaint filed against the

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1 University by Dr. Alaei.

2 Q. Okay. So you mean the lawsuit papers, is that --

3 A. Yes, yes.

4 Q. Did you review anything else?

5 A. I did not.

6 Q. Did you have any conversations with anyone in
7 advance of today's deposition to prepare for today's
8 deposition? And if you did speak to -- I'm sorry,
9 if you did speak with your attorney, you can say
10 that, but you don't need to get into the discussion
11 you had with your attorney.

12 A. Yes, I spoke with my attorney.

13 Q. Okay. Nobody else?

14 A. No one else.

15 Q. Can you state your current employment for me,
16 please?

17 A. Yes, I am Professor of International Education at
18 the University at Albany.

19 Q. And you said Professor of International
20 Communication?

21 A. Education.

22 Q. Education?

23 A. Yes.

24 Q. Okay. And how long have you held that position?

25 A. For about one year.

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1 Q. One year. And can you explain to me briefly what
2 your job responsibilities include in that position?

3 A. Sure. I teach graduate and undergraduate courses.
4 I engage in scholarship research. I sit on
5 departmental and school committees. I advise
6 graduate students.

7 Q. Okay. And you said you've had that for about a
8 year?

9 A. Yes.

10 Q. Can you identify, if any, employment you had prior
11 to this position?

12 A. Yes, I served as Dean for International Education
13 and Vice Provost for Global Strategy at the
14 University at Albany prior to this position.

15 Q. And how long did you hold that position of Dean for
16 International Education and Vice Provost?

17 A. For about four and a half years.

18 Q. And so that would be during the entire year of 2018;
19 is that correct?

20 A. Yes.

21 Q. Now, can you explain to me your job responsibilities
22 in your position as Dean for International Education
23 and Vice Provost during 2018?

24 A. Yes, I was responsible for providing
25 institution-wide leadership for international

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9

1 education. I was responsible for implementing a
2 range of initiatives to advance international
3 education on the campus. I supervised a number of
4 professionals who had responsibilities for the
5 various offices within the Center for International
6 Education. I managed a budget. I reported directly
7 to the Provost and I supported the University's
8 efforts to raise its profile nationally and
9 internationally around issues having to do with
10 international education.

11 Q. Just so you're aware, the questions I will be asking
12 you going forward are really just relevant to your
13 time and your responsibilities in that position as
14 Dean for International Education and Vice Provost in
15 2018.

16 A. Sure.

17 Q. Okay. And just so you're aware, if I refer to
18 SUNY A or SUNY Albany, I'm referring to the State
19 University of New York at Albany; is that clear?

20 A. Sure.

21 Q. Okay.

22 MR. CASTIGLIONE: Can I mark and
23 identify an exhibit for introduction, Debbie?
24 (Claimant [Exhibit A-1](#) is marked for
25 identification.)

DR. HARVEY CHARLES

10

1 BY MR. CASTIGLIONE:

2 Q. So Dr. Charles, if you can, are you -- can you take
3 a look at this document?

4 MR. CASTIGLIONE: And Debbie, if you
5 could you scroll through it so he can -- the
6 first few pages is fine.

7 Q. Dr. Charles, are you familiar with this document?

8 A. I believe I've seen it before.

9 Q. Okay. And are you able to identify what this
10 document is?

11 A. Yes.

12 Q. Okay. What's your understanding of what this
13 document is?

14 A. I believe it is an articulation of the alternate
15 assignment that was given to Dr. Alaei on
16 February 8, 2018.

17 Q. When did you first learn about the underlying basis
18 for SUNY Albany issuing this letter?

19 A. I never learned about the underlying basis for SUNY
20 issuing this letter.

21 Q. Okay. Before this letter was issued, did anybody
22 consult you about the underlying concerns that
23 served as a basis for SUNY Albany issuing this
24 letter?

25 A. No.

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1 Q. Are you aware of whether this letter triggered any
2 investigation by SUNY Albany concerning Dr. Alaei?

3 A. I don't know for a fact.

4 Q. When you say you don't know for a fact, you don't
5 know for a fact that an investigation was conducted;
6 is that what you mean?

7 A. No, I don't know for a fact that this letter
8 triggered an investigation.

9 Q. Okay. So are you aware at or around the time of
10 this letter, I'll say, in February 2018, if SUNY
11 Albany undertook an investigation concerning
12 Dr. Alaei?

13 A. I am aware that there was an investigation that was
14 led by the Title IX officer, but that is the extent
15 of the investigative work that I'm aware of.

16 Q. Okay. So do you know -- strike that. I'm sorry.
17 When I say "strike that," it's for the stenographer
18 to strike the beginning of that question so I can
19 start over.

20 Did you participate between
21 February 2018 and August 2018 in an investigation by
22 the Title IX officer or other SUNY personnel
23 concerning Dr. Alaei?

24 A. I did not.

25 Q. Did anyone ever ask you about what knowledge or

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1 information you might have related to the concerns
2 raised in the letter issued by SUNY Albany here
3 dated February 8, 2018?

4 A. No.

5 Q. Are you aware if SUNY Albany personnel ever tried to
6 discuss issues of concerns that served as the basis
7 of this letter, [Exhibit A-1](#), with Kamiar Alaei to
8 try to resolve the underlying concerns at or around
9 the time this letter was issued by SUNY Albany?

10 A. Could you repeat the question?

11 Q. Sure. I'm just asking if you are aware if any SUNY
12 Albany personnel, at or around the time this letter
13 was issued, tried to have a discussion with
14 Dr. Alaei to discuss or learn more about the
15 underlying concerns that served as the basis for
16 this letter?

17 A. I don't know.

18 Q. Okay. Are you aware whether SUNY Albany made a
19 determination to not discipline Dr. Alaei related to
20 this letter in August 2018?

21 A. Could you ask the question again?

22 Q. Sure. Are you aware whether or not SUNY Albany made
23 a determination not to discipline Dr. Alaei based on
24 their investigation related to this letter in
25 August 2018, that they made the determination in

DR. HARVEY CHARLES

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1 August 2018?

2 And I could break it down. So are you
3 aware that SUNY Albany -- the investigation you're
4 aware of under Title IX, related to this letter;
5 they ultimately made a determination in August 2018?

6 A. I was told by someone, and I don't exactly remember
7 who, that such a determination was made, but
8 I -- but that's pretty much all I heard. I
9 never -- I was not privy to a report, a written
10 report, and no one reported to me the full outcome
11 of this investigation.

12 Q. Okay. So nobody consulted with you from SUNY Albany
13 regarding any ultimate conclusion that SUNY Albany
14 made concerning the investigation reflected by this
15 February 2018 letter?

16 A. No one consulted with me.

17 Q. Are you aware that SUNY Albany terminated
18 Dr. Alaei's employment on or about August 9, 2018?

19 A. Yes.

20 Q. Did anyone consult with you regarding the
21 determination to terminate Dr. Alaei's employment?

22 A. No.

23 MR. ROTONDI: I just want to object to
24 the form of the question.

25 Q. Are you aware of any conversations or internal

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1 communications between SUNY personnel discussing
2 their determination to terminate Dr. Alaei?

3 MR. ROTONDI: Again, object to the
4 form of the question. You can answer.

5 THE WITNESS: Am I supposed to answer?

6 MR. CASTIGLIONE: Yes.

7 MR. ROTONDI: You can answer.

8 MR. CASTIGLIONE: Your attorney makes
9 an objection for the record. That's for the
10 attorneys to resolve later. You still have to
11 answer the question as presented, unless your
12 attorney specifically directs you not to
13 answer.

14 THE WITNESS: Okay. Could you ask the
15 question again?

16 MR. CASTIGLIONE: Sure.

17 Actually, Debbie, can you read that
18 back?

19 (The previous question is read back.)

20 A. No, I am not.

21 Q. Now, your roles and responsibilities in your
22 position in 2018 with SUNY Albany, did that include
23 overseeing the organization identified as the Global
24 Institute of Health and Human Rights?

25 A. Yes.

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1 Q. Just so it's clear, I might refer to that as GIHHR
2 going forward. Is that clear?

3 A. Yes.

4 Q. Can you explain to me your responsibilities and
5 duties as to overseeing GIHHR operations in 2018?

6 A. Sure. The Director, Dr. Alaei, reported to me. And
7 for all intents and purposes, it was one of the many
8 units that was part of the Center for International
9 Education and Global Strategy.

10 Q. So you're saying Dr. Alaei reported to you. Was
11 there anybody else that Dr. Alaei was required to
12 report to?

13 A. For the purposes of the administrative functioning
14 of GIHHR, he reported to me. For his teaching
15 responsibilities in the Rockefeller College, I
16 believe he reported to either the Dean,
17 Karl Rethemeyer, or someone in that college.

18 Q. Did you have the opportunity, as part of your
19 responsibilities in overseeing Dr. Alaei, to review
20 the quality of his work and efforts on behalf of
21 GIHHR in 2018?

22 A. Yes.

23 Q. Did you have the same opportunity as to the quality
24 of his work in 2017?

25 A. To the extent that he was part of CIEGS in 2017,

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1 yes.

2 Q. Do you have an opinion as to the quality of
3 Dr. Alaei's work in 2017 and 2018, to the extent
4 you're familiar with that work at that time?

5 A. Yes, I have an opinion.

6 Q. Can you please share your opinion with me?

7 A. Yes. I was very impressed with the work of GIHHR.
8 I was very impressed with the leadership of
9 Dr. Alaei. I believed that he brought much credit
10 to the institution as a result of the work that he
11 did with this organization.

12 Q. So I want to go back to documents.

13 MR. CASTIGLIONE: If I can, Debbie,
14 introduce and identify [Exhibit A-2](#), please.

15 (Claimant [Exhibit A-2](#) is marked for
16 identification.)

17 BY MR. CASTIGLIONE:

18 Q. Dr. Charles, if you could take a look at that
19 document. This document is identified as an e-mail
20 from Ryan Selchick, S-E-L-C-H-I-C-K, dated
21 February 8, 2018. Do you recognize this document?

22 A. Well, my name is there, so I believe I read it at
23 some point.

24 Q. Okay. In this document, it talks about an
25 alternative assignment being prepared for Dr. Alaei.

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1 Is that -- let me strike that.

2 There's a reference in there for KA.

3 At the beginning, it says "Alaei Kamiar." Is it
4 fair to say KA is referring to Kamiar Alaei?

5 A. Yes.

6 Q. Part of this e-mail, it says, in the middle: "At
7 which time we will also be relieving KA of his card
8 access, keys and e-mail access."

9 In your experience and employment with
10 SUNY Albany, is that a typical course of action when
11 an alternative assignment is given to an employee?

12 A. I do not know. I don't have this sort of experience
13 with the University.

14 Q. Did you make any determination to remove Dr. Alaei's
15 e-mail access when he was given this alternate
16 assignment?

17 A. I did not.

18 Q. Are you aware of anybody who made that
19 determination?

20 A. I don't know who made the determination.

21 Q. That e-mail also notes that SUNY Albany had arranged
22 for a plain clothed police officer from UPD to
23 accompany KA to his office if he needs to retrieve
24 anything. Are you aware, in your experience with
25 SUNY Albany, if that's typical protocol when there's

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1 an alternative assignment given to an employee?

2 A. I'm not aware of that. I don't have that
3 experience.

4 MR. CASTIGLIONE: If I could introduce
5 document A-3, please.

6 (Claimant [Exhibit A-3](#) is marked for
7 identification.)

8 BY MR. CASTIGLIONE:

9 Q. So Dr. Charles, to the extent you can, can you take
10 a look at this document and see if you recognize it?

11 Just for the record, this document I'm
12 referring to is a part of [Exhibit A-3](#), is the e-mail
13 from Karl Rethemeyer, R-E-T-H-E-M-E-Y-E-R, dated
14 February 8, 2018.

15 MR. CASTIGLIONE: And then, Debbie, if
16 you could scroll down to the next page.

17 Q. And then the page -- there's an e-mail starting
18 with: "Sorry to be late to this party. A couple of
19 points." Do you recognize this e-mail, Dr. Charles?

20 A. Yes.

21 Q. Okay. In this e-mail we're looking at in Exhibit
22 A-3, and point -- what's identified as Point Number
23 1, and there's an underline in that paragraph that
24 says: "We will also need to change all references
25 to KA," and it's referring to the GIHHR website?

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19

1 A. Yep.

2 Q. Did you make a determination to remove references to
3 Kamiar Alaei at that time from the website?

4 A. I'm trying to think back on that to try to give you
5 a --

6 Q. I understand.

7 A. You know, I don't want to guess, but I recall
8 receiving this e-mail and -- Yeah, I'm really trying
9 to remember here.

10 Could you repeat your question again?

11 I want to be sure I --

12 Q. Sure. And just so you're clear, when I ask Debbie
13 to read it, it's because we have form and non-form
14 objections. And so I'll ask her to read it because
15 it was a non-objected-to question and whatnot.

16 MR. CASTIGLIONE: So, Debbie, do you
17 mind reading back that question?

18 (The previous question is read back.)

19 A. What I remember doing was instructing the staff at
20 GIHHR to remove references to Dr. Alaei where he was
21 mentioned as Director of GIHHR. My -- yeah, so.

22 Q. Okay. Was that your idea initially or was it
23 presented to you by somebody else?

24 A. It was presented to me.

25 Q. Okay. So as reflected in this e-mail, is it fair to

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1 say that Karl Rethemeyer is the one who presented
2 it?

3 A. Yes.

4 Q. Do you know why Mr. Rethemeyer, R-E-T-H-E-M-E-Y-E-R,
5 raised changing the references to Dr. Alaei on the
6 GIHHR website at that time?

7 A. I believe that this issue arose in the context of
8 the decision made by the administration to have
9 Dr. Alaei pivot to an alternate assignment and away
10 from his former position as Director of GIHHR.

11 Q. So you just said "former position as Director of
12 GIHHR." Are you aware of a determination being made
13 by SUNY Albany at that time that Dr. Alaei, is
14 it -- I'm sorry, let me strike that question.

15 My understanding was it was always
16 Dr. Alaei. If I'm pronouncing that wrong, Kamiar,
17 please correct me.

18 MR. ALAEI: Alaei.

19 MR. CASTIGLIONE: Alaei?

20 MR. ALAEI: Yes. Thank you.

21 MR. CASTIGLIONE: I apologize.

22 BY MR. CASTIGLIONE:

23 Q. Are you aware, Dr. Charles, if there was a
24 determination made by SUNY Albany at that point to
25 remove Dr. Alaei as Director of GIHHR?

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21

1 A. I'm not aware of that.

2 MR. CASTIGLIONE: Okay. I want to now
3 introduce a document identified as [Exhibit A-4](#).

4 (Claimant [Exhibit A-4](#) is marked for
5 identification.)

6 BY MR. CASTIGLIONE:

7 Q. Dr. Charles, do you recognize the document that's
8 been introduced as identified as [Exhibit A-4](#), which
9 appears to be an e-mail from you to a number of
10 people, dated February 8, 2018?

11 A. Yes, I do.

12 Q. And can you identify for me what this document is?

13 A. This document was intended to invite individuals
14 associated with GIHHR to a meeting to discuss issues
15 around the leadership of GIHHR.

16 Q. And whose decision was it to send this e-mail?

17 A. I was instructed by the Provost office to send this
18 e-mail.

19 Q. Did the Provost office review this e-mail before you
20 sent it?

21 A. I believe that the Director of Communications,
22 Jordan, I believe that he reviewed this e-mail
23 before it was sent.

24 Q. And would that be Jordan Evangelo -- sorry,
25 Jordan Carleo, C-A-R-L-E-O dash E-V-A-N-G-E-L-I-S-T?

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22

1 A. Yes.

2 Q. Okay. Who is the Provost you were referring to?

3 A. Jim Stellar.

4 Q. I noticed in this e-mail there was some addresses
5 that were to Gmail addresses, and there's one that's
6 to a Virginia.edu. Was this e-mail shared with
7 people outside of SUNY Albany?

8 A. May I take a look at the top of the page where the
9 recipients are listed?

10 Q. Well, first, for example, there's a
11 KMB2251@Columbia.edu.

12 A. Yeah.

13 Q. I see there's a few Gmail addresses in the middle of
14 the document. And then if you scroll down again,
15 there is a HM5R@Virginia.edu?

16 A. Yes, I see these e-mails. And the only thing that I
17 could conclude, because at this point I don't know
18 for a fact, but the members of the advisory board to
19 GIHHR may have been included in this e-mail.

20 Q. Okay. I just want to backtrack, referring to A-1,
21 which was the February 8, 2018 letter from SUNY
22 Albany to Dr. Alaei about an alternative assignment.
23 Were you aware that SUNY Albany was making a
24 decision to place Dr. Alaei on an alternative
25 assignment before February 8, 2018?

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23

1 A. Yes.

2 Q. Do you recall about when you first become aware?

3 A. I do not remember.

4 Q. Do you recall having a conversation with people a
5 few days beforehand, before February 8, 2018, about
6 the conference room -- excuse me -- about -- strike
7 that.

8 Do you recall having a conversation
9 with SUNY personnel a few days before February 8,
10 2018, about the University removing GIHHR from
11 offices?

12 A. I am not sure that I understand your question.
13 Removing GIHHR from offices?

14 Q. From University offices that they were occupying.
15 So did you have a conversation with SUNY Albany
16 personnel before, a few days before February 8,
17 2018, about discussing that GIHHR would be removed
18 from the offices they were occupying at that time?

19 A. I don't recall having such a conversation.

20 Q. Okay. Back to [Exhibit A-4](#) and the e-mail. In the
21 e-mail it reflects there was going to be a meeting
22 on Friday afternoon at 3:00 p.m. Do you recall that
23 meeting occurring?

24 A. Yes.

25 Q. And can you explain to me who spoke at that meeting

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24

1 and what they discussed, to the best of your
2 recollection?

3 A. Yeah, I don't remember all who spoke at that
4 meeting, but I remember that I made some
5 introductory remarks as the Dean and Vice Provost.
6 I believe that Chantelle Cleary, the Title IX
7 Coordinator, was there and she spoke at the meeting
8 as well. I really can't remember who else might
9 have spoken at that meeting.

10 Q. So you made some just, basically, introductory
11 remarks?

12 A. Yes.

13 Q. Who attended that meeting?

14 A. A number of the interns associated with GIHHR
15 attended the meeting. I believe some of the
16 professional staff at GIHHR and maybe one or two or
17 three, I don't remember the numbers, but the
18 scholars associated with GIHHR. I don't know how
19 many of them attended, but I recall at least one of
20 them attending.

21 Q. And do you recall if the attendees asked questions
22 during that meeting?

23 A. Yes.

24 Q. Do you recall the overall substance of the questions
25 that were raised by attendees?

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25

1 A. Well, some attendees were asking questions to
2 determine whether the University would take the
3 allegations made against Dr. Alaei seriously. There
4 were other attendees who were asking questions as to
5 whether the University would address, interfere, in
6 a responsible way, the implications for them as
7 scholars at the University, having been brought to
8 the University by Dr. Alaei. And there were
9 questions about the fact that things were happening.
10 It seems as if the University -- let me start over.

11 There were questions about -- There
12 were concerns about the fact that people were not
13 getting information, even though they kept asking
14 questions.

15 Q. Okay. Did any of the attendees raise questions
16 about whether or not the -- SUNY's concerns related
17 to improper conduct by Dr. Alaei?

18 A. Could you ask the question again?

19 Q. Sure. Did any of the attendees raise questions
20 asking if SUNY Albany's concerns regarding Dr. Alaei
21 at the time were related to misconduct or
22 inappropriate action?

23 A. You know, there's something about the phrasing of
24 that question that is really tripping me up. So I
25 don't know if you can ask it in a different way.

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1 Again, I want to answer truthfully, so.

2 Q. Sure. Did any of the attendees raise concerns that
3 the grounds for putting Dr. Alaei on alternate
4 assignment were based on improper conduct?

5 A. Well, what I remember was -- The first thing I would
6 say is I am not sure if the decision to place
7 Dr. Alaei on alternate assignment had been made by
8 then. And maybe I'll have to look at the date of
9 this e-mail to be sure of that. So I am not certain
10 that that had happened. Oh, that's July 2nd --

11 Q. No, that's --

12 A. February 8th.

13 Q. Yeah.

14 A. February 8th, okay.

15 So, you know, that's dated the same
16 day as the day that the e-mail was sent to Dr. Alaei
17 about the alternate assignment, I recall from the
18 exhibit that you posted earlier.

19 What I can tell you is that there were
20 attendees who were very concerned as to whether
21 their complaints to the University about Dr. Alaei
22 would be taken seriously, and there were attendees
23 who were very concerned about how Dr. Alaei was
24 being treated and the implications for their
25 positions at the University, either as employees or

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1 as researchers.

2 Q. You had mentioned you gave some introductory
3 remarks, Chantelle Cleary spoke. Did anyone else
4 speak on behalf of SUNY Albany at that meeting?

5 A. I really don't remember.

6 Q. Okay. And was this meeting limited for attendance,
7 in terms of only certain personnel were allowed to
8 attend, or was it open to anybody?

9 A. No, it was limited only to the people to whom we
10 sent the e-mail.

11 MR. CASTIGLIONE: Okay. If I can
12 introduce [Exhibit A-5](#), please.

13 (Claimant [Exhibit A-5](#) is marked for
14 identification.)

15 BY MR. CASTIGLIONE:

16 Q. Dr. Charles, I'll ask you if could you take a look
17 at what's been marked as Claimant's [Exhibit 5](#)? Do
18 you recognize what this document is?

19 A. Yes, I do.

20 Q. This document appears to be an e-mail from you dated
21 February 8, 2018, to a number of people, including
22 Jordan Carleo-Evangelist and James Stellar, among
23 others. This e-mail identifies in the body, in
24 part, that you wanted to give some consideration
25 about providing communication to the GIHHR advisory

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1 board. "Many of the members are very influential
2 people associated with prestigious universities and
3 organizations."

4 Was this your original idea to provide
5 notice to GIHHR advisory board or did somebody else
6 present it to you?

7 A. I am not sure.

8 (Claimant [Exhibit A-7](#) is marked for
9 identification.)

10 Q. If I can refer you to what's being identified as
11 Claimant [Exhibit A-7](#). I'll get back to 6 in a
12 second.

13 Dr. Charles, do you recognize the
14 document that's identified as Claimant's A-7, which
15 appears to be an e-mail from you dated February 9,
16 2018?

17 A. Yes, I do.

18 Q. And is this the e-mail or the proposed e-mail or
19 communication you were referring to in your prior
20 e-mail that was identified as [Exhibit A-5](#), about
21 communicating with the advisory board?

22 A. No, I don't believe so. I think that prior e-mail
23 had to do about inviting members of the advisory
24 board to the meeting on the afternoon of February
25 the 8th.

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1 Q. So as to this e-mail, can you explain to me your
2 understanding of the purpose of this e-mail?

3 A. Yes. The purpose of this e-mail was to inform GIHHR
4 advisory board members and supporters of the
5 temporary change in leadership of GIHHR.

6 Q. Was it you that made the determination to name
7 Dina Refki, R-E-F-K-I, and Gina Volynsky,
8 V-O-L-Y-N-S-K-Y, as Interim Co-Directors of GIHHR?

9 A. No, I did not make that determination.

10 Q. Who did, if you know?

11 A. I don't know.

12 Q. Did anyone ever consult with you on who would be
13 named as Interim Co-Directors of GIHHR around this
14 time?

15 A. I believe I may have had a conversation -- Well, I
16 need to be careful about not trying to make things
17 up that would seem sensible. So let me -- let me
18 strike that and say that, in response to your
19 question, that I believe I was part of a meeting
20 where there was a conversation about who should
21 assume temporary leadership of GIHHR. I was not the
22 one to make the -- to recommend these names, nor was
23 I the one to make the ultimate determination that
24 these two women would serve as temporary Directors
25 of GIHHR.

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1 Q. Do you know who made those decisions you just
2 identified?

3 A. Because the Provost assumes response -- because the
4 Provost had responsibility for academic affairs and
5 by extension, the Center for International Education
6 and Global Strategy, as well as the Rockefeller
7 College. And again, by extension, the leadership of
8 those two departments or divisions, I believe that
9 he made the final determination.

10 Q. Did anyone -- This e-mail identified as Claimant's
11 [Exhibit A-7](#), did anyone provide input on the content
12 of the e-mail, or was this your original draft?

13 A. No, this was run through the Director of
14 Communications, Jordan Carleo-Evangelist.

15 Q. Do you know if anybody else reviewed the content of
16 this e-mail before it was sent out?

17 A. I don't know who else may have reviewed the content
18 of the e-mail.

19 Q. Did anyone, as far as you're aware, raise any
20 concerns about privacy issues for Dr. Alaei as a
21 result of this e-mail being sent out or possibly
22 sent out to these GIHHR advisory board people?

23 A. I don't recall such an issue being raised.

24 Q. Was anyone concerned and did anyone raise an issue
25 before this e-mail went out that it might give the

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1 wrong message or wrong impression as against
2 Dr. Alaei?

3 A. I don't recall such a concern being raised.

4 MR. CASTIGLIONE: If I can introduce
5 and mark Claimant's [Exhibit A-6](#).

6 (Claimant [Exhibit A-6](#) is marked for
7 identification.)

8 BY MR. CASTIGLIONE:

9 Q. So, Dr. Charles, my question to you is: Do you
10 recognize the chain of e-mails that are identified
11 as [Exhibit A-6](#), which the top e-mail is an e-mail
12 from Brian Selchick, dated February 9, 2018. It
13 appears to be responding an e-mail inquiry from you,
14 dated February 8, 2018?

15 A. Yes.

16 Q. In this e-mail, is it fair to say Dr. Alaei had been
17 identified as a -- or solicited as a speaker for an
18 event and SUNY Albany was reviewing whether or not
19 he would be allowed to speak at that event; is that
20 a fair characterization?

21 I can say this: Whether he would be
22 allowed to speak at that event in his capacity as an
23 employee of SUNY Albany?

24 A. That's right, yes.

25 Q. Okay. This reflects that Mr. Selchick ultimately

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1 determined that Mr. Alaei would be able to speak but
2 in his personal capacity, private capacity and not
3 as a representative of SUNY Albany; is that fair to
4 say?

5 A. I believe so.

6 Q. What was the concern, if you were aware, being
7 raised by SUNY Albany personnel with Dr. Alaei
8 speaking at this event?

9 A. I believe that the concern was -- had to do with
10 whether Dr. Alaei would represent himself as
11 Director of GIHHR, if -- at a point where he was
12 temporarily removed from that position and placed in
13 an alternate assignment. I think that that was the
14 concern.

15 Q. So SUNY Albany personnel did not want Dr. Alaei to
16 speak at an event to represent himself as the
17 current Director of GIHHR; is that fair to say?

18 A. That's right, assuming that it would happen at a
19 time when he did not occupy that position.

20 MR. CASTIGLIONE: Okay. If I could
21 refer you to what I'm going to mark and
22 identify as [Exhibit A-8](#).

23 (Claimant [Exhibit A-8](#) is marked for
24 identification.)

25 BY MR. CASTIGLIONE:

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1 Q. Dr. Charles, can you take a look at this e-mail
2 that's been identified as [Exhibit A-8](#)? It appears
3 to be an e-mail from you dated February 13, 2018, to
4 Dr. Alaei. Are you familiar with this e-mail?

5 A. Yes, I am.

6 Q. If I could point you to language in the middle of
7 this e-mail where it starts, it says, in part, "I
8 wanted to remind you that the terms of your
9 alternative assignment preclude you from
10 participating in these events representing yourself
11 as Director of GIHHR or as associate dean for global
12 and interdisciplinary research."

13 What was the basis of that statement?

14 A. Well, there was a discussion in the Provost office
15 in response to information that had been brought to
16 the attention of the Provost that Dr. Alaei was
17 continuing to participate in various assignments off
18 campus, keynote speeches and whatever, and based on
19 the flyer, that he was being described as holding
20 the position that, at that particular time, he no
21 longer held. And it was the sentiment of the
22 Provost office that he not continue to represent
23 himself with titles that, at that time, he did not
24 hold.

25 Q. Similar if -- well, strike that.

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1 Referring back to [Exhibit A-6](#), and
2 similar to what you just discussed, did SUNY Albany
3 personnel determine they did not want Dr. Alaei
4 representing himself as affiliated with SUNY Albany?

5 A. I don't believe that that was the objective. They
6 did not want him representing himself as Director Of
7 GIHHR at that time, because he was not, at that
8 time, Director of GIHHR.

9 Q. Okay. If I could refer you back to [Exhibit A-6](#).

10 This e-mail that we went through,
11 [Exhibit A-6](#), through Mr. Selchick, S-E-L-C-H-I-C-K,
12 states, in part: "It is my opinion that you are
13 correct. So long as he does so as a private citizen
14 and not as a representative of the University."

15 Would that be indicative of what SUNY
16 personnel's determination was as to what capacity
17 Dr. Alaei could represent himself at these types of
18 matters?

19 A. You know, I cannot say. This e-mail was written by
20 Brian Selchick, who works in the office of human
21 resources, and I wouldn't propose to speak to him
22 about that.

23 Q. Did you have any interaction with Mr. Selchick
24 between February 2018 and August 2018 regarding any
25 investigation into Dr. Alaei or his alternative

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1 assignment?

2 A. I believe that my interactions with the office of
3 human resources were typically not with
4 Brian Selchick. You are mentioning dates that, you
5 know, I can't recall exactly what happened during
6 that period of time. However, I can say to you that
7 there was a deposition in the office of human
8 resources, and I believe that you and Dr. Alaei were
9 there and Brian Selchick was present, so -- and I
10 was required to be part of that deposition, so I was
11 present as well.

12 Other than that and this e-mail, I
13 can't recall any direct communications with him
14 about -- about issues having to do with the
15 investigation regarding Dr. Alaei.

16 Q. What about communications with Randy Stark with
17 offices of human resources about the investigation
18 concerning Dr. Alaei?

19 A. I believe that my communications with Randy Stark
20 would have been more likely. I would have been more
21 inclined to speak to him. But since none of the
22 information having to do with the investigation was
23 ever really shared with me, the report was never
24 shared with me or anything of the sort, I had no
25 reason to be in touch with Mr. Stark.

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1 Now, if there might have been an issue
2 with the alternative assignment from a human
3 resource perspective, yes, I would consult with
4 Mr. Stark. But other than that, no.

5 Q. Okay. If I could refer you to what's being marked
6 as [Exhibit A-10](#), which is a series of e-mails.

7 You want to take a quick five minute
8 break? I mean, it's been going for about an hour
9 and ten minutes. Is that okay with everybody?

10 MR. ROTONDI: Sure.

11 MR. CASTIGLIONE: We will see you back
12 at 13 after 11:00.

13 (Whereupon, a recess is taken.)

14 (Claimant [Exhibit A-10](#) is marked for
15 identification.)

16 BY MR. CASTIGLIONE:

17 Q. Dr. Charles, if you can look at what's been
18 identified or marked as [Exhibit A-10](#). It's starting
19 at the point of this exhibit where there's an e-mail
20 to Provost mail, dated February 15, 2018, update on
21 GIHHR.

22 Dr. Charles, are you familiar with
23 this e-mail?

24 A. Yes, I am.

25 Q. Do you know who sent this e-mail?

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1 A. Well, it's signed by Jim Stellar, the Provost at
2 that time.

3 Q. Okay. And what was -- Are you aware of what
4 Mr. Stellar's responsibilities were in his job as
5 Provost at that time?

6 A. Well, I couldn't recite the entire job description
7 to you, but part of his responsibility was to have
8 oversight of all of the units within academic
9 affairs, and the college of -- Rockefeller College,
10 as well as the Center for International Education
11 Global Strategy were units under his purview.

12 Q. Do you know why Mr. Stellar sent this e-mail and to
13 who he sent it to?

14 A. I'm wondering if you could kind of just scroll back
15 up a bit so I can take a look at recipients of the
16 e-mail.

17 Q. I think if you scroll up --

18 A. Okay. I believe that he was writing to the GIHHR
19 advisory board about the developments in GIHHR at
20 that time and kind of wanted to give them a sense as
21 to what to expect or what to understand about the
22 University's position on the issue at that time.

23 Q. Okay. Did Mr. Stellar solicit your input on the
24 content of this e-mail before it was sent?

25 A. I don't believe -- I can't remember. I can't

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1 remember. He may have sent it to me to take a look
2 at it, a draft, but I can't remember.

3 Q. Okay. Do you recall receiving any responses from
4 any of these GIHHR advisory board members concerning
5 this e-mail?

6 A. Could you scroll down a bit, please?

7 Okay. Could you also -- could you
8 still keeping scrolling, please?

9 Okay. Could you ask the question
10 again, please?

11 Q. Sure. Do you recall receiving any responses from
12 GIHHR advisory board members in response to this
13 e-mail from the Provost?

14 A. I don't recall receiving responses from them in
15 response to this e-mail.

16 Q. Did you receive communications from GIHHR advisory
17 board members over time concerning the issue with
18 removing Dr. Alaei as Director of GIHHR?

19 A. Yes. A number of them, yes.

20 Q. Are you able to generalize and provide me the
21 primary substance of the comments you received over
22 time?

23 A. At the heart of the concern was the appropriateness
24 of what the University did with respect to removing
25 Dr. Alaei from the directorship of GIHHR and placing

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1 him in the alternate assignment, and secondly, the
2 lack of communication, the fact that this was done
3 and nothing was communicated to the advisory board
4 about the rationale for this action.

5 Q. Are you aware if anybody on the GIHHR advisory board
6 raised any concerns as to whether the actions by
7 SUNY Albany were based upon alleged improper conduct
8 by Dr. Alaei?

9 A. I am not aware of that.

10 Q. If I can refer you to what's being identified as
11 [Exhibit A-11](#)?

12 (Claimant [Exhibit A-11](#) is marked
13 for identification.)

14 BY MR. CASTIGLIONE:

15 Q. Dr. Charles, can you take a look at this e-mail and
16 tell me if you recognize what the document is?

17 A. I think I do, yes.

18 Q. Do you recall receiving a copy of this document
19 identified as A-11, which is an e-mail from
20 James Stellar to others, dated February 22, 2018?

21 A. Well, I am not copied -- copied on it, so I'm not
22 sure that I received a copy of it. But the
23 sentiments seem familiar to me.

24 Q. Are you aware if Mr. Stellar was considering the two
25 women, who had been appointed to head GIHHR, as the

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1 new directors, consistent with what's reflected in
2 this e-mail?

3 A. The question again, please? Am I --

4 Q. Sure.

5 MR. CASTIGLIONE: Deb can you read
6 that back?

7 (The previous question is read back.)

8 A. Whether he was considering -- again, I'm not, you
9 know, quite sure that language. But if you're
10 asking if he -- if the reference were to the two new
11 directors appointed, I believe so, yes.

12 Q. Okay. And so are you aware of Mr. Stellar making a
13 determination at this time that he considered the
14 women who were appointed to head GIHHR as the new
15 directors?

16 A. You know, I want to be very careful with the
17 language. What I can say is that I believe that he
18 understood their position to be the ones -- the
19 individuals who were ultimately responsible for the
20 leadership of GIHHR, you know, if they are
21 being -- if they were referred to or thought of as
22 directors, then so be it. But that would be my
23 response to you.

24 Q. Did Mr. Stellar ever have any conversations with you
25 directly that he, in his determination, considered

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1 the two women to be the new directors of GIHHR at or
2 around this time in this e-mail, February 22, 2018?

3 A. You know, certainly we had conversations about the
4 new leadership of GIHHR. You know, I want to be
5 careful in responding to your question regarding the
6 term "directors," and what that might imply.

7 What I would also state to you is that
8 at the time that this e-mail was written, Dr. Alaei
9 was on alternate assignment, which means that he was
10 in a temporary position. And as far as I can
11 tell -- and again, I'm trying to respond to -- as
12 completely as I can to your question. I'm not sure
13 whether you are implying that the term "director"
14 suggests a degree of permanence, but -- and if that
15 is what you're getting at, then I don't -- I don't
16 know. All that I know is that the Provost
17 determined that GIHHR needed leadership in
18 Dr. Alaei's absence while he was on alternate
19 assignment, and these two women were appointed to
20 play that role. And so that would be my response to
21 you.

22 Q. If I can refer you to what's being identified as
23 [Exhibit A-12](#).

24 (Claimant [Exhibit A-12](#) is marked for
25 identification.)

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1 BY MR. CASTIGLIONE:

2 Q. Dr. Charles, if you could take a look at the
3 document that's been identified as [Exhibit A-12](#)? Do
4 you recognize this document?

5 A. Yes, I do.

6 Q. Can you just briefly identify for me what this
7 document is?

8 A. Sure. Could you scroll down a bit so I can keep
9 reading the entirety of it?

10 Q. Dr. Charles, do you recall what this document is?

11 A. Yes.

12 Q. Can you just briefly explain to me your
13 understanding of what this document is?

14 A. Yes. Dr. Alaei wrote this e-mail to me trying to
15 underscore the sensitivity of some of the grants
16 that he was working on at that time and, basically,
17 asking that some steps be taken to mitigate any
18 potential fallout as in the loss of those grants or
19 in the -- or fallout in terms of how the well-being
20 of some of the people working on the grant on the
21 ground might be compromised as a result of the
22 leadership issues of GIHHR at that time.

23 Q. Can you explain to me what, if any, action you took
24 as a result of receiving this e-mail?

25 A. Yes, I believe that I discussed this matter with

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1 Karl Rethemeyer, who, along with me, were
2 responsible for having oversight of the situation.
3 I, personally, never really dealt directly with the
4 grants, other than approving them, but I felt that
5 Dr. Rethemeyer would be in a better position to talk
6 with the Co-Directors, especially Dina Refki, who
7 was the one being tasked with the grants, on the
8 implications of -- the implications that Dr. Alaei
9 had brought to our attention in this e-mail.

10 Q. Okay. And so is it fair to say that you had a
11 conversation with Karl Rethemeyer, then it was left
12 to Dr. Rethemeyer to take care of the situation?

13 A. Yes.

14 Q. Are you aware if anyone from these projects or
15 grants referred to in this e-mail contacted GIHHR
16 about why Dr. Alaei was no longer working with GIHHR
17 at that time?

18 A. I don't recall.

19 Q. If I can refer you to what's being identified and
20 marked as Claimant's [Exhibit A-13](#).

21 (Claimant [Exhibit A-13](#) is marked for
22 identification.)

23 BY MR. CASTIGLIONE:

24 Q. Dr. Charles, I'm showing you what's been marked as
25 [Exhibit A-13](#). It appears to be an e-mail from

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1 Chantelle, C-H-A-N-T-E-L-L-E, Cleary, dated March 9,
2 2018, with the subject GIHHR investigation. It's
3 identified as having a flag status as flagged. Have
4 you ever seen this document before?

5 A. No, I haven't.

6 Q. Do you know who Chantelle Cleary is?

7 A. I believe that she was the Title IX investigator at
8 that time.

9 Q. When you say she was, is she still employed with
10 SUNY Albany as far as you're aware?

11 A. I don't believe so. Things could have happened over
12 the past few days, but I don't believe so.

13 Q. Okay. Do you have any understanding of why she
14 might not work there anymore?

15 A. No, I don't.

16 Q. This e-mail has a statement at the beginning that
17 says: "Hi all, I have been asked Bruce to make this
18 matter our top priority."

19 Were you aware or did anyone
20 communicate to you around this time that SUNY
21 personnel had identified this GIHHR investigation as
22 being a top priority?

23 A. No one had informed me about that.

24 Q. There's a reference here to Bruce. Would you have
25 any understanding of who she's referring to by

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1 Bruce?

2 A. Well, there is one Bruce I know at the University.

3 Q. Who is that?

4 A. That's Bruce Celeste.

5 Q. And who is that?

6 A. He is currently the Chief of Staff to the President.

7 But I believe at that time he served as the Chief of
8 Staff to the Provost, I think.

9 Q. Did you have occasion to work with Ms. Cleary over
10 time during your employment with SUNY Albany?

11 A. I did not have occasion to work directly with her,
12 no, other than this case. And in this case, there
13 was no working with her, because I was not part of
14 the investigation.

15 Q. Are you aware of a recent New York State Supreme
16 Court Appellate Division Third Department decision
17 concerning activities by Ms. Cleary conducting other
18 investigations as part of her role as Title IX for
19 SUNY Albany?

20 A. No, I'm not aware of that.

21 Q. If I can introduce the document identified as
22 [Exhibit J-1](#).

23 (Claimant [Exhibit J-1](#) is marked for
24 identification.)

25 BY MR. CASTIGLIONE:

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1 Q. Dr. Charles, this is a decision from the State of
2 New York Supreme Court Appellate Division Third
3 Judicial Department, dated November 25, 2020, in the
4 caption of: In The Matter of Alexander M.,
5 Appellant Petitioner, the Chantelle Cleary, as
6 former Title IX Coordinator at the State University
7 of New York at Albany.

8 Is that the position you understood it
9 that Ms. Cleary held during the investigation by the
10 SUNY Albany personnel into Dr. Alaei?

11 A. I believe that that was the title when she was
12 involved in this matter, but again, I never saw any
13 statement from HR indicating that this, in fact, is
14 the title of Chantelle Cleary so -- but I believe
15 that she handled Title X matters.

16 MR. CASTIGLIONE: If I could have you
17 scroll down, Deb, to page 6 on this document.

18 Right there.

19 Q. In the middle of this [Exhibit J-1](#) on page 6 of the
20 actual document, itself, the second paragraph starts
21 with: "As to the possibility of individual bias,
22 Cleary admittedly altered the facts as reported to
23 her."

24 Later on in this document, it says
25 Cleary's paraphrasing -- portrays -- or phrasing.

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1 I'm sorry, "Cleary's phrasing portrays a
2 significantly different rendering of the event at
3 the hearing when Cleary was asked why she changed
4 the wording, her response is, in the words of the
5 Supreme Court's order denying Petitioner's motion
6 for discovery, 'bordered on the incoherent'."

7 During your time working with SUNY
8 Albany, are you aware of any concerns being raised
9 or that were raised by SUNY Albany's personnel as to
10 Ms. Cleary showing bias in her investigations?

11 A. No, I am not aware.

12 Q. What about as to any concerns raised by SUNY Albany
13 personnel about Ms. Cleary altering wording as part
14 of her investigation?

15 A. No, I am not aware.

16 MR. CASTIGLIONE: If I can scroll down
17 one more page, please. Right there.

18 Q. In the middle paragraph of what is identified as
19 page 7 of the document that is [Exhibit J-1](#), it
20 states, in part: "In addition, Petitioner presented
21 an affidavit from his advisor, who was present with
22 him in his meeting with Cleary. The advisor averred
23 that at said meetings, Cleary raised her voice,
24 physically leaned toward Petitioner and acted in an
25 aggressive manner. Perhaps more importantly, the

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1 advisor avers that Cleary exceeded her role as an
2 investigator and acted as a factfinder."

3 Are you aware of any concerns raised
4 by SUNY personnel during your time there as to
5 Ms. Cleary engaging in such a behavior during
6 investigations she was conducting for SUNY Albany?

7 A. No, I'm not aware.

8 Q. Okay. If I could refer you to the documents
9 identified as Exhibit B, or which are going to be
10 marked as Exhibit B.

11 (Claimant [Exhibit B-1](#) is marked for
12 identification.)

13 BY MR. CASTIGLIONE:

14 Q. Dr. Charles, are you aware -- did there come a time
15 when SUNY Albany began to move forward with
16 non-renewal efforts as to Dr. Alaei's contract or
17 employment with SUNY Albany?

18 A. Can you ask the question again?

19 Q. Sure. Are you aware or did there come a time when
20 SUNY Albany was pursuing non-renewal of Dr. Alaei's
21 employment?

22 A. I believe that I may have been told about this maybe
23 a day or two before it happened.

24 Q. Are you familiar with this document here that's
25 identified as Claimant's B-1?

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1 A. No, I am not.

2 Q. Well, my next question was: Did you prepare this
3 document?

4 A. I did not prepare this document.

5 Q. If I can refer you to now what's being marked as
6 [Exhibit B-2](#).

7 (Claimant [Exhibit B-2](#) is marked for
8 identification.)

9 BY MR. CASTIGLIONE:

10 Q. Dr. Charles, do you recognize this document?

11 A. No, I don't.

12 Q. On this document, there's some handwritten notes
13 that appear to be initials. Throughout it says BBS.
14 Do you have any understanding of who BBS might be?

15 A. No.

16 Q. Is it possibly referring to Brian Selchick?

17 A. I really don't know.

18 Q. In the first box there, it says: "4/20, Friday,
19 issue notice of interrogation of KA on various
20 issues, Title IX, account management and grant
21 management and use of University funds for non-UA
22 personnel."

23 Are you aware of what that's referring
24 to?

25 A. No.

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1 Q. Did there come a time when you attended an
2 interrogation held by human resources with Dr. Alaei
3 in May 2018?

4 A. Yes.

5 Q. This document here, B-2, there's a date that says
6 4/26, Thursday, interrogate KA by Selchick with
7 Stark, Cleary and Charles present."

8 Do you have any understanding about
9 why that date is 4/26 for interrogation of Dr. KA?

10 A. I don't know, no.

11 Q. If you scroll down for -- there's a notation 5/2,
12 Wednesday. It says: "Notice of discipline (NOD),
13 which keeps KA on alternative assignment while
14 investigation proceeds."

15 Are you aware of what that reference
16 to issuing a notice of discipline as of 5/2 against
17 Dr. Alaei?

18 A. No.

19 Q. Now, on this document, if you scroll up, there's a
20 date entry 4 -- there's a date entry 4/23, Monday.
21 It says: "Initiate non-renewal of KA."

22 Did you participate or have any
23 understanding of a non-renewal being initiated for
24 KA as of 4/23?

25 A. I don't recall.

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1 Q. If I can refer you to what is being marked as B-3?
2 This is a series of documents. So if you can start
3 at the bottom and scroll up.

4 (Claimant [Exhibit B-3](#) is marked for
5 identification.)

6 BY MR. CASTIGLIONE:

7 Q. So, Dr. Charles, if you could take a look at the
8 document identified as [Exhibit B-3](#), and particularly
9 the portion of that document that appears to be an
10 e-mail from you that says: "Hello, Bill" and it
11 appears to be sent to a Hedberg, William, dated
12 April 28, 2018, at 3:21 p.m.?

13 A. Yeah.

14 Q. Do you recognize what this document is?

15 A. Yes, I do. I do.

16 Q. Can you explain to me your understanding of what
17 this e-mail is?

18 A. Yes. William Hedberg, who is the Senior Associate
19 Vice Provost, contacted me to request that I sign an
20 HRM-3, which is the document at the bottom here, as
21 well as to sign a letter recommending that I -- a
22 letter that was written by someone, not by me,
23 recommending to the Provost that Dr. Alaei not be
24 renewed. And I made it clear to Bill Hedberg that I
25 could not sign the letter because I had no basis to

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1 make such a recommendation to the Provost.

2 However, the HRM-3 was a personnel
3 document that was not about a recommendation. It
4 was to take the action of non-renewal that the
5 Provost or someone in the Provost office had already
6 made a determination about.

7 And so as you would see a bit further
8 down, I said to Bill, when he asked me to -- when he
9 wrote to me about signing the non-renewal letter, I
10 said, "Yes, I am at home." It was a weekend
11 actually, and I can come over to his house. And
12 indeed, I went over to his house. He lives two
13 blocks away from me. And I picked up the document.

14 When I returned home and I realized
15 that a letter was included, written on my behalf
16 with my name and a letter indicated that I,
17 Harvey Charles, am recommending to the Provost that
18 Dr. Alaei be non-renewed, I told Bill that I
19 couldn't sign that letter. And, in fact, you know
20 in the previous exhibit, you showed a copy of the
21 letter and I couldn't remember it because, you know,
22 I know there was a letter, but, of course, I didn't
23 write that letter. So, you know, it simply didn't
24 resonate with me. But you would notice that it was
25 not initialed or signed by me.

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1 Q. Correct.

2 A. And I was very intentional about not doing that,
3 because I felt as though I had no reason to make a
4 recommendation to the Provost that Kamiar be
5 non-renewed.

6 Q. And that letter we had referred to just now dated
7 April 27, 2018, that wasn't signed, that's Exhibit
8 B-1, do you know who prepared that?

9 A. I don't know.

10 Q. But it was presented to you and asked that you
11 signed it?

12 A. Yes.

13 Q. At the top of this e-mail, there's an e-mail dated
14 Saturday, April 28, 2018, from William Hedberg to
15 you. Do you recall receiving this e-mail?

16 A. Yes.

17 Q. How did you understand this e-mail when you received
18 it?

19 A. What I understood was that the -- that the Provost
20 office had made a determination about Dr. Alaei's
21 employment, and that because I am the supervisor of
22 record, I am obligated to sign the HRM-3 in order to
23 allow the Provost office to follow through on the
24 decision it had made.

25 Q. Okay.

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1 A. And so -- yeah.

2 Q. Did anyone consult with you beforehand, before you
3 received this request to sign a non-renewal for
4 Dr. Alaei?

5 A. I do not recall.

6 Q. At that time you received this, did you have any
7 basis to recommend that Dr. Alaei not be renewed on
8 the merits of his work?

9 A. I had no basis at all.

10 Q. Would you have otherwise made any recommendation
11 concerning renewal or non-renewal of Dr. Alaei at
12 that time?

13 A. Based on what I knew about Dr. Alaei, if I were
14 asked to make a recommendation, I would have made a
15 recommendation that he be renewed based on what I
16 knew.

17 Q. And that was based on, in part, the merits of his
18 work?

19 A. Yes.

20 Q. If can you scroll down on this [Exhibit B-3](#).
21 Dr. Charles, this form, the last document that's
22 attached as part of [Exhibit B-3](#), is this the form
23 you were referring to that you would sign?

24 A. Yes, the HRM-3, yes.

25 Q. Did you create this form?

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1 A. I did not.

2 Q. If I can refer you to exhibit -- what's being marked
3 as [Exhibit B-4](#)?

4 (Claimant [Exhibit B-4](#) is marked for
5 identification.)

6 BY MR. CASTIGLIONE:

7 Q. Dr. Charles, can you take a look at the document
8 identified as [Exhibit B-4](#), which appears to be what
9 I'm referring to, it looks like, an e-mail from you
10 to -- it says "To Randy," dated May 2, 2018?

11 A. Yes.

12 Q. Do you recall what this e-mail is?

13 A. Yes.

14 Q. Did you write this e-mail?

15 A. I did.

16 Q. This e-mail states, in part: "I decline to sign
17 that letter because I have no information that can
18 be used as a basis to recommend that Kamiar not be
19 renewed. I am not seeking such information, since
20 it is clear to me that the Provost had decided to
21 not renew Kamiar's contract. I did sign the HRM-3
22 form, however, in order to complete the paperwork,
23 per the wishes of the Provost."

24 Is that consistent with the testimony
25 you just gave about your lack of basis to offer a

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1 recommendation, but agreeing to sign the necessary
2 form?

3 A. It is consistent. And let me also add that the
4 HRM-3, in my view, is not a recommendation.

5 Q. Correct. Okay. I understand that. Just a form for
6 paperwork processing. Okay.

7 In your experience since working with
8 SUNY Albany, is it the typical process that somebody
9 else prepares a recommendation of non-renewal for
10 you to sign to recommend an employee not be -- not
11 renewed?

12 A. I cannot say that it's typical, but it had never
13 happened to me before.

14 Q. Can you explain to me, in your experience, what the
15 typical process is when there is a possibility of a
16 non-renewal for an employee?

17 A. Well, I can't explain the typical process, but I had
18 one other instance of that in my office and I had
19 been working with -- very closely with human
20 resources about this particular employee. And it
21 was certainly my -- it was the recommendation of my
22 director that this employee be non-renewed. Based
23 on the merits of the case, I thought -- I agreed
24 with my director. HR was in concurrence and, you
25 know, the paperwork process took over. I'm not sure

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1 what is typical. I could just talk about what my
2 experience has been.

3 Q. Understood.

4 Are you aware of the Provost -- strike
5 that.

6 I'm going to now mark and introduce
7 Exhibit B-6.

8 (Claimant Exhibit B-6 is marked for
9 identification.)

10 BY MR. CASTIGLIONE:

11 Q. Dr. Charles, if you can review -- there's a series
12 of documents, but I'm asking you to review the first
13 one here which appears to be an e-mail from
14 William Hedberg to Kamiar Alaei. You appear to be a
15 CC recipient, dated May 14, 2018. That's part of
16 Exhibit B-6, if you could take a look at that?

17 A. Yes.

18 Q. Do you recall receiving this e-mail?

19 A. Yes.

20 Q. This indicates that the Provost has signed the form
21 from Dean Harvey Charles for non-renewal of
22 Dr. Alaei's appointment; is that fair to say?

23 A. Well, that's certainly what the e-mail says.

24 Q. Do you have any understanding why the Provost would
25 sign the form to recommend non-renewal of Dr. Alaei

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1 at that time?

2 A. I imagine that he made that decision based on
3 information he had.

4 Q. But do you have any personal knowledge of why he
5 made that decision?

6 A. No.

7 Q. This says the Provost has signed the form from
8 Dean Harvey Charles. Is that accurate, in your
9 opinion, as to representation regarding
10 recommendation of non-renewal?

11 A. Well, it is not accurate in terms of recommending a
12 non-renewal. It is certainly accurate in the sense
13 that I was instructed to sign the HRM-3 form,
14 because that is what needed to be done in order for
15 the Provost office to pursue its wishes, and I acted
16 accordingly.

17 As we indicated before, it was an
18 attached letter recommending -- supposedly from me
19 recommending that Dr. Alaei be non-renewed. And I
20 specifically did not sign this letter.

21 Q. This e-mail also says, in part, the next step in
22 this process is for the President to review the file
23 and make his decision. Is that your understanding
24 of how this non-renewal process works, with the
25 President ultimately deciding?

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1 A. I am not sure of what is typical in situations like
2 this.

3 Q. Okay. If you can keep scrolling down.

4 Dr. Charles, do you recognize what
5 this document is?

6 A. Well, I recognize that the document is a recitation
7 by Dr. Alaei of all of his accomplishments at the
8 University and his consternation at the decision
9 that was made to non-renew him. That's what I
10 recognize about it. And I'm saying that because I'm
11 not sure that I have read this document -- this
12 particular document or documents like it, but, you
13 know, the contents seem quite familiar.

14 Q. Okay. In this second paragraph that starts with "I
15 was very disappointed to receive the news," the last
16 sentence says: "Since I started working for
17 UAlbany, I have" and it lists a number of matters
18 that Dr. Alaei identifies as accomplishments.

19 Were you aware of these
20 accomplishments at the time non-renewal was being
21 recommended by SUNY personnel?

22 A. I would say mostly, yes.

23 Q. Are these accomplishments meaningful in any way, in
24 terms of Dr. Alaei's employment with SUNY Albany at
25 the time?

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1 A. Yes, they are quite meaningful.

2 Q. The beginning of the paragraph under the "Identified
3 accomplishments," it says, "I have never received a
4 negative evaluation from Dean Karl Rethemeyer,
5 Chair Victor Asal, Dr. Harvey Charles or any other
6 member of the University administration and see no
7 basis for the non-renewal decision."

8 Are you aware of whether Dr. Alaei
9 ever received any negative evaluations during his
10 employment?

11 A. I'm only aware that he never received a negative
12 evaluation from me.

13 Q. Okay.

14 A. Yeah.

15 Q. Okay.

16 A. I can't speak to anyone else.

17 Q. Did you ever -- I know your statement was you never
18 gave a negative evaluation. Did you give
19 evaluations to Dr. Alaei during his employment?

20 A. I think I may have, as I would have done for all of
21 my other direct reports.

22 Q. And do you have any recollection of what that may
23 have said?

24 A. I think my evaluation of Dr. Alaei was quite
25 positive. The only -- I think it may have included

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1 a reference to a request from the marketing
2 department that he not use his self-designed seal or
3 letterhead for GIHHR. And I think I made reference
4 to that and instructed him to stop using that
5 letterhead and use a standard University letterhead.

6 But other than that -- and that was
7 not even a reprimand really, it was just part of the
8 information I wanted him to have in that letter that
9 I prepared for him. Other than that, it was
10 laudatory and complimentary and supportive.

11 Q. During the investigation, did anyone ever raise with
12 you the possibility of recreating evaluations to
13 support a non-renewal?

14 A. No.

15 Q. If I could refer you to the next page of Dr. Alaei's
16 letter that's part of [Exhibit B-6](#).

17 On this page, in the middle, I'm going
18 to read you part of it. It says, in part, "With
19 respect to funding, you can also find the projected
20 funding required for each of the two faculty lines,
21 (\$185,500) in the attached Excel sheet. I've also
22 included the actual funding from 2015-2017 that I
23 was able to get (\$3,916,342), despite the absence of
24 the second faculty line. This means I was able to
25 reach over 21 times higher than the target. The

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1 details of funding are listed in the attached Word
2 document."

3 Do you have any understanding about
4 what Dr. Alaei was referencing there?

5 A. I believe that he was referencing expectations that
6 would have been articulated to people other than me.
7 And I say that because he's talking about his other
8 role as a faculty member, and I did not assert
9 supervisor responsibilities over him for those
10 responsibilities.

11 Q. Are you aware of what he's referring to here about
12 raising over 21 times higher than the target?

13 A. Well, I'm familiar with his grant writing experience
14 and success in the sense that he was awarded many
15 grants, and the grants amounted in the millions of
16 dollars. So I am aware of that, yes.

17 Q. As compared to other people in a similar position as
18 Dr. Alaei at the time, was his success greater or
19 less than other people in their efforts to, you
20 know, raise funding?

21 A. What I can say to you is that this is -- this is
22 very impressive work for any faculty member. I
23 can't say whether it is greater or lesser, but this
24 is very impressive work.

25 Q. At the time of non-renewal that was being advocated

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1 by SUNY personnel in the end of April 2018, are you
2 aware if there were other employees in similar
3 positions to Dr. Alaei that were being renewed at
4 the time that didn't have the same type of
5 credentials we just went through with Dr. Alaei?

6 A. I am not aware.

7 Q. Are you aware at all if there was anybody else
8 around that time that was recommended for renewal?

9 A. I am not aware.

10 Q. What about around the same time for recommendations
11 for non-renewal for other people?

12 A. I am not aware.

13 Q. If I can identify and mark for introduction Exhibit
14 B-8?

15 (Claimant [Exhibit B-8](#) is marked for
16 identification.)

17 BY MR. CASTIGLIONE:

18 Q. Dr. Charles, if you could take a look at what's been
19 marked as [Exhibit B-8](#), which is a letter from SUNY
20 Albany, dated August 10, 2018, to Dr. Alaei from
21 Randy Stark. This letter states, in part: "This
22 letter will also serve to notify you that your term
23 appointment as lecturer in the Global Institute for
24 Health and Human Rights will not be extended beyond
25 the present termination date close of business

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1 August 9, 2019."

2 It also says, in part, in the next
3 paragraph: "The University is exercising its right
4 and has elected to terminate your appointment
5 effective August 10, 2018."

6 Did you ever see this letter before?

7 A. I don't remember.

8 Q. Are you aware -- Did anyone consult with you about
9 the contents of this letter?

10 A. No.

11 Q. If I can refer you to a document I'm going to
12 identify as C-2?

13 (Claimant [Exhibit C-2](#) is marked for
14 identification.)

15 BY MR. CASTIGLIONE:

16 Q. Dr. Charles, are you aware -- and I'm showing you
17 what's been identified as [Exhibit C-2](#) -- that
18 Dr. Alaei filed grievances with SUNY in accordance
19 with his union rights under the United University
20 Professions Agreement regarding SUNY's actions?

21 A. I was not aware of that.

22 Q. So it's fair to say you weren't given these
23 grievances as the process was going along at the
24 time?

25 A. That's right.

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1 Q. Okay. Did anyone ever contact or discuss grievances
2 with you?

3 A. No.

4 Q. If I could refer you to what's being identified as
5 Exhibit E?

6 (Claimant [Exhibit E-1](#) is marked for
7 identification.)

8 BY MR. CASTIGLIONE:

9 Q. Dr. Charles, if you could just take a look at this
10 e-mail which is being marked as [Exhibit E-1](#)? It's
11 an e-mail from a Liesl, L-I-E-S-L, it looks like,
12 Zwicklbauer, Z-W-I-C-K-L-B-A-U-E-R, dated April 4,
13 2018, referring to Dr. Alaei, presumably?

14 All right. Have you ever seen this
15 e-mail?

16 A. I don't recall ever seeing the e-mail, no.

17 Q. Okay. This e-mail references holding the title of
18 professional employee. In your work and experience
19 with SUNY Albany, do you have any understanding what
20 that term "professional employee" refers to?

21 A. Well, the only thing I can think of is management
22 confidential, and these are people who are in senior
23 administration, you know, vice presidents, vice
24 provost, deans, people like that. And that is the
25 only context within which I would understand the

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1 term "professional." I imagine it could -- Well, I
2 shouldn't say that. A non-faculty position, I
3 think, would be a professional position, but I
4 cannot say that I am familiar with the definitions
5 to say, well, this is certainly X and that is Y.

6 Q. Okay. This e-mail also references having a current
7 performance program and evaluation before you can
8 non-renew.

9 As to Dr. Alaei and SUNY Albany
10 pursuing non-renewal in April of 2018, are you aware
11 of whether at that time there was a current
12 performance program for Dr. Alaei?

13 A. I recall that when he started with me, we had a
14 conversation about my expectations for his role as
15 Director of GIHR, who would be reporting to me.
16 And I put that list of expectations in memo form and
17 shared it with him. And from my perspective, that
18 effectively constituted the performance program.

19 Q. And had that been updated since that time, as far as
20 you are aware?

21 A. I don't remember.

22 Q. And then it talks about an evaluation. Do you
23 recall the last time you did an evaluation for
24 Dr. Alaei at that point?

25 A. I believe I did one evaluation for him. I don't

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1 remember exactly when it was done, but.

2 Q. Okay. If you can scroll down to the next page of
3 [Exhibit E-1](#). So if you'd just take a look, this is
4 a letter from December 4th from James Stellar to
5 Dr. Alaei talking about a recommendation from a
6 department chair and dean, pleasure to confirm
7 renewal of his appointment as a clinical associate
8 professor.

9 Do you recall if you ever saw this
10 letter?

11 A. I don't recall seeing this letter.

12 Q. If you can scroll to the next page, please.

13 And Dr. Charles, if you can just
14 review this form as she's scrolling through it?

15 Dr. Charles, do you have any
16 understanding of what this form is? It's identified
17 as a change of status request form HRM-3. It
18 appears to be for Dr. Alaei. It appears to be
19 signed by two individuals on November 20th and 21st,
20 2017.

21 A. Yeah, I never saw this form before.

22 Q. Okay.

23 A. I was not involved with it.

24 Q. Do you have a general understanding of, you know,
25 what this form and the information depicted on this

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1 form is relevant to Dr. Alaei? So, in other words,
2 do you have an understanding what the information
3 that's requested and identified on this form and
4 what it means?

5 A. I think so.

6 Q. Okay.

7 A. The HRM-3 form, but, of course, you would notice
8 that it had to do with his role as a faculty member,
9 because the department referenced here is health
10 policy management and behavior, so.

11 Q. Well, let me ask you on this form -- you see in the
12 middle of the page being shown, it says: "Extension
13 of temporary appointment or renewal of UUP term
14 appointment" and then there's a box that says
15 "appointment type," and it says "term."

16 Do you have any understanding of what
17 that's referring to when it says "appointment type,
18 term"?

19 A. It seems to me that it would -- it would -- it means
20 the length of time for which he would be in the
21 employ of the institution.

22 Q. And then if you move over to the right, there's a
23 box that says "duration" and then in parentheses it
24 says "term appointment." And here, it says
25 other -- it appears to say "two years, nine months."

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1 Do you have any understanding of what
2 that's referring to?

3 A. I think it's referring to his appointment in health
4 policy management and behavior.

5 Q. And the appointment would be for a term of two
6 years, nine months; is that fair to say?

7 A. Well, that is what is written.

8 Q. If I can refer you to what's being marked as E-2,
9 please?

10 (Claimant [Exhibit E-2](#) is marked for
11 identification.)

12 BY MR. CASTIGLIONE:

13 Q. So Dr. Charles, the document identified as Exhibit
14 E-2 appears to be a letter from SUNY Albany, dated
15 April 16, 2004, making an appointment offer for
16 Dr. Alaei. And at the beginning, it says: "It is
17 my pleasure to offer you an employment to the
18 University at Albany as a research associate
19 professor and lecturer in the department of public
20 administration and policy, Rockefeller College of
21 Public Affairs and Policy."

22 Do you have any understanding -- well,
23 strike that.

24 In the first instance, are you
25 familiar with what this document is?

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1 A. It seems to me that it's a letter of appointment.

2 Q. Have you seen documents similar to this for other
3 SUNY employees?

4 A. Well, I -- I have seen a letter like this for me,
5 for myself, when I was hired, yes.

6 Q. Can you explain to me your understanding of that
7 first sentence about the appointment to the
8 University at Albany as a research associate
9 professor and lecturer in the department of public
10 administration and policy, Rockefeller College of
11 Public Affairs and Policy?

12 A. You know, I don't believe that I can add to what it
13 says.

14 Q. Is that the current -- strike that.

15 Would that be the position that
16 Dr. Alaei held as of February 2018?

17 A. I'm not sure.

18 Q. Okay.

19 A. I guess to be complete, I should add that I knew of
20 his position as Director of GIHHR and that is what I
21 can speak to.

22 Q. Okay.

23 A. Yeah.

24 Q. If you scroll down, it says -- I'm referring to the
25 paragraph that says: "You will have three

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1 complimentary non-stipend appointments in addition
2 to your professional appointment in Rockefeller
3 College." And then it says: "You will continue to
4 serve as Director for the GIHHR, with responsibility
5 for oversight, grants development, national outreach
6 and programming. In this role, you will report to
7 the Vice President for Research."

8 Do you have an understanding of what
9 that means, that language that I just read?

10 A. Yes, I do have an understanding of that, yes.

11 Q. Can you explain that to me?

12 A. That he will have three complimentary non -- three
13 complimentary appointments for which he will not
14 receive stipends, in addition to his professional
15 appointment in Rockefeller College. That's what's
16 referenced above. That he would continue to serve
17 as Director of GIHHR with the responsibilities as
18 described, and in that role as Director of GIHHR,
19 that he would report to the Vice Provost for
20 research.

21 Q. In 2018, who was the vice -- it says Vice President
22 for Research. Who was that?

23 A. Vice President for Research, yep.

24 Q. Who was that in 2018?

25 A. James Diaz.

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1 Q. Was Provost Stellar the supervisor for Dr. Diaz?

2 A. Yes.

3 Q. In 2018?

4 A. Yes. I am sorry. Let me -- let me take that back.
5 This is a mistake. I spoke in error. James Diaz is
6 a Vice President, and all vice presidents report to
7 the President. So let me correct myself and say
8 that Jim Diaz did not report to Jim Stellar, the
9 Provost, in 2018, but rather to the President.

10 Q. Okay. Did Jim Stellar report to James Diaz?

11 A. No, he did not, as far as I know.

12 Q. I want to ask you about your understanding as an
13 employee of SUNY Albany and overseeing other
14 employees. The second paragraph in this letter, if
15 you don't mind scrolling up.

16 This paragraph I'm referring to, it
17 says, in part: "Your initial appointment will be
18 for three years, commencing on May 1, 2014, to
19 coincide with the end date of your current
20 employment with SUNY Research Foundation."

21 It goes on to say in that paragraph:
22 "To give you the security of at least two years of
23 employment, the appointment will be renewed annually
24 for possible extension by another year. Your
25 starting salary will be \$92,630."

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1 The language here as to your initial
2 appointment term being three years and then to give
3 you security of at least two years of employment, do
4 you have any understanding of what that's referring
5 to?

6 MR. ROTONDI: Objection.

7 A. No --

8 MR. ROTONDI: Hold on a second. I was
9 objecting to the form of the question.

10 BY MR. CASTIGLIONE:

11 Q. Okay. I'm sorry, Dr. Charles, what was your
12 response?

13 A. No.

14 Q. Are you familiar with the term "evergreen
15 employment" in the context of SUNY Albany
16 employment?

17 A. I have heard the term before. I cannot define it to
18 you.

19 Q. Okay. Were you aware of what the term of
20 Dr. Alaei's employment was with SUNY Albany based on
21 this April 16, 2014 letter?

22 A. No. And, of course, I was not at SUNY in April of
23 2014. I was not involved in the drafting of this
24 letter or his initial appointment.

25 Q. Do you have any understanding of what the term of

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1 his employment was as of 2018?

2 A. No --

3 MR. ROTONDI: Object to the form of
4 the question.

5 BY MR. CASTIGLIONE:

6 Q. I'm sorry, Dr. Charles. Go ahead.

7 A. Yeah, my answer is no.

8 Q. Okay. If I can refer you to the document identified
9 as [Exhibit C-3](#)?

10 (Claimant [Exhibit C-3](#) is marked for
11 identification.)

12 BY MR. CASTIGLIONE:

13 Q. So Dr. Charles, in the first instance, I will say,
14 do you recall attending what was identified as an
15 interrogation with SUNY human resource personnel
16 with Dr. Alaei and myself on May 9, 2018, at the
17 offices of human resources?

18 A. Yes.

19 Q. This letter that is identified as [Exhibit C-3](#) was a
20 letter I prepared on behalf of Dr. Alaei and sent to
21 Mr. Stark with human resources, dated May 21, 2018,
22 addressing some of the issues raised during that
23 interrogation. Do you recall ever being provided a
24 copy of this letter, [Exhibit C-3](#), after the
25 interrogation?

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1 A. Yes, I have -- I have read this document.

2 Q. Okay. In the first instance, why did you attend the
3 interrogation on May 9, 2018 for Dr. Alaei?

4 A. I was told that I had to attend as his supervisor.

5 Q. In your role as supervisor, have you attended other
6 interrogations for employees when there's been
7 similar type of alternative assignment issues?

8 A. I have never been in a situation like that at
9 UAlbany, as far as I can recall.

10 Q. Okay. Do you know who asked you to attend this
11 interrogation, or who directed you, I think you
12 said?

13 A. The request came from the Provost.

14 Q. Did you have any meetings or discussions with anyone
15 on behalf of SUNY Albany about the interrogation
16 before it was held on May 9, 2018?

17 A. I did not.

18 Q. Are you aware of whether anybody from SUNY Albany
19 tried to have any informal discussion or any
20 discussion, informal or not, any discussion with
21 Dr. Alaei about SUNY Albany's concerns before this
22 May 9, 2018 interrogation?

23 A. I am not aware.

24 Q. Do you recall -- And you read this letter before, it
25 sounds like, and I'm sure -- I'm not going to hold

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1 you to your memory to what's said in the letter.

2 But do you recall, during the interrogation, the
3 SUNY HR personnel being Brian Selchick and
4 Randy Stark?

5 A. Yes, I recall that they were the personnel.

6 Q. All right. And there was nobody else there,
7 correct, just those two, you, Dr. Alaei and me?

8 A. Yes, that's what I recall.

9 Q. Do you recall during that interrogation, the SUNY HR
10 personnel asking questions about the structure of
11 GIHHR?

12 A. I don't remember.

13 Q. At the time of the interrogation, did you know what
14 the structure of GIHHR was?

15 A. Yes, I was familiar with the structure of GIHHR at
16 that time, yes.

17 Q. Okay. My understanding was the structure of the
18 GIHHR at the time was that it was, basically, a
19 university-level organized research unit that would
20 report to the Vice President for Research with a
21 board of directors and an advisory board, and it
22 would be run by the executive directors for that
23 GIHHR; is that your understanding?

24 A. No, that is not my understanding at the time of the
25 deposition.

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1 Q. Can you please explain to me what your understanding
2 was of the GIHHR structure at the time of the
3 depo -- at the time of the interrogation deposition
4 you just said?

5 A. Yes, at that time, my understanding was that GIHHR
6 was an entity headed by Dr. Alaei and that this
7 entity reported to me as Dean and Vice Provost for
8 International Education. The structure included a
9 number of -- mostly undergraduate interns. It
10 included a number of researchers, many of whom came
11 from universities outside of UAlbany to engage in
12 research activity with Dr. Alaei, and there was some
13 full-time staff who I think their positions were
14 funded from revenues generated by the grants that
15 GIHHR brought in.

16 I was aware of the advisory board that
17 convened once or twice a year. So those are the
18 things about the structure of GIHHR with which I was
19 familiar.

20 Q. Okay. At the time, did the executive directors for
21 GIHHR report to anybody else or have an obligation
22 to report to anybody else?

23 A. Well, as far as I know, Dr. Alaei reported to either
24 the dean of the Rockefeller School or one of the
25 chairs of the department relative to his teaching

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1 assignments in that college.

2 Q. Okay. Before that interrogation, did anybody from
3 human resources or anybody conducting the
4 investigation into Dr. Alaei ever reach out to you
5 to find out your understanding of the structure of
6 GIHHR?

7 A. I don't recall any of that happening.

8 Q. As to financial issues with GIHHR, do you recall
9 discussions during that interrogation on May 9, 2018
10 regarding how Dr. Alaei would be able to access and
11 use GIHHR monies, either it be grants or whatnot?

12 A. I don't recall.

13 Q. Did you have an understanding as of May 9, 2018, at
14 the interrogation, the protocol for the use and
15 spending of GIHHR related money, whether it be
16 grants or anything else?

17 A. I think in very general terms, yes.

18 Q. Okay. Can you explain to me your understanding what
19 it was about that time regarding use or access to
20 funds that were GIHHR monies?

21 A. Well, the accounting for GIHHR, much of it ran
22 through the Center for International Education, and
23 my Director of Business Operations worked closely
24 with Dr. Alaei on those kinds of issues. So my
25 understanding was that if there was a need for

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1 expenditures, he would consult with my Director of
2 Business Operations and the paperwork would happen.
3 Invariably, the paperwork would require my
4 signature, my approval, and so these kinds of things
5 would come to me.

6 Q. At that time, you know, as part of the structure of
7 GIHHR as to funding, would Dr. Alaei have been able
8 to unilaterally access any amounts of GIHHR money
9 and spend them however he wanted to?

10 A. As far as I know, that would not have been possible,
11 but that's as far as I know.

12 Q. In other words, somebody else would have to review
13 any expenditure of funds by Dr. Alaei before he
14 could expend them; is that fair to say?

15 A. Well, that would be true for funds over which my
16 center had supervisory authority. If Dr. Alaei had
17 had funds in some other part of the campus, like in
18 the foundation, for example, for which I had no
19 responsibility, I may not have been aware --

20 Q. Okay.

21 A. -- of the use of those funds.

22 Q. But did anyone from human resources or anyone
23 conducting the investigation into Dr. Alaei at the
24 time reach out to you before May 9, 2018 to ask you
25 about your understanding about use and access to

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1 funding, as far as you're aware, for GIHHR?

2 A. I do not recall anybody doing.

3 Q. At that interrogation, do you recall questioning by
4 SUNY HR personnel concerning Arash Alaei and his
5 separation with SUNY Albany and allegations of
6 contact with SUNY personnel after his separation?

7 A. I can't -- I cannot remember if Arash Alaei came up
8 in that interrogation.

9 Q. As to Arash Alaei, do you recall a time when he was
10 placed on alternative assignment?

11 A. Yes, I think so.

12 Q. Do you recall about when that was?

13 A. I don't recall about when that was, no.

14 Q. If I can show you what's being marked as Exhibit
15 F-1?

16 (Claimant [Exhibit F-1](#) is marked for
17 identification.)

18 BY MR. CASTIGLIONE:

19 Q. Dr. Charles, I understand that was probably a lot to
20 go through quickly, but my question is: Does this
21 refresh your recollection as to whether or not
22 Arash Alaei had been placed on alternate assignment
23 at some point before March 28, 2017?

24 A. Yes, I believe that he was placed on alternative
25 assignment. It's taking me back a while, and I

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1 haven't been reflecting on these kinds of things,
2 so, you know, I -- it's hard for me to remember some
3 of this, but I believe that he was placed on
4 alternative assignment.

5 Q. I completely understand. And nobody is expecting
6 you to sit there and research and review these
7 things every day, so just do the best you can. I
8 get it.

9 As to Arash Alaei, were you his
10 supervisor before his alternative assignment was put
11 in place?

12 A. Yes, I was.

13 Q. And on his alternative assignment, were you also his
14 supervisor?

15 A. I believe I was. I believe.

16 Q. For [Exhibit F-1](#), and in particular the e-mail that's
17 on the screen right now, which it says: "Subject
18 report and plan." It's dated Tuesday, March 28,
19 2017. It says it's from Arash Alaei to you,
20 Harvey Charles.

21 Do you have any understanding of what
22 Mr. Alaei, Arash Alaei, is sending to you in this
23 e-mail?

24 A. Yes, he is sending me a list of the activities in
25 which he was involved as a member of -- staff member

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1 at CIEGS and as Co-Director of the GIHHR.

2 Q. So if you scroll down.

3 Now, on this same e-mail, March 28,
4 2017, included had as [Exhibit F-1](#), Arash Alaei says:
5 "In order to complete the above-mentioned task, I
6 need to be in touch with the following people" and
7 then identifies six people.

8 Do you recall who these people are
9 that are being identified as Number 1 through 6?

10 A. Three of them, and I don't remember who the others
11 are.

12 Q. Okay. Can you identify the ones you do remember and
13 what employment position or position they had at the
14 time?

15 A. Number 1, Kamiar Alaei, who was Co-Director of
16 GIHHR; Michelle DeOcampo, who was an employee of
17 GIHHR, I think in the role of an administrative
18 assistant or so; and then Mahnaz Alaei, who was
19 responsible for computer programming and
20 troubleshooting at GIHHR.

21 Q. And you don't have a recollection as to who the
22 other three people are; is that --

23 A. I don't remember, no.

24 Q. Okay. When Arash was on -- placed on alternative
25 assignment, do you recall telling Kamiar Alaei not

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1 to have any conversations with Arash Alaei about
2 GIHHR matters?

3 A. In the spirit of trying to be complete in my
4 response to you, no, I can't remember saying that to
5 him, but I was instructed by the administration to
6 advise Arash that he is not allowed to be in touch
7 with staff at GIHHR as part of the conditions of
8 this alternate assignment.

9 And so if I did say that to
10 Kamiar Alaei, it would have been within the context
11 of ensuring that he conduct himself consistent with
12 the expectations of his alternate assignment.

13 Q. But do you have any specific recollection of having
14 that type of conversation with Kamiar Alaei?

15 A. No specific recollection, no.

16 Q. Okay. As part of this, did you review your e-mails
17 for any documents that might be relevant to issues
18 in this lawsuit? Did anyone at SUNY ask you to do
19 that?

20 A. Well, I was required to submit all of the -- all of
21 the documents associated with Kamiar Alaei to the
22 general counsel's office. So, yes, I submitted
23 those documents.

24 Q. Do you recall coming across any e-mails or any
25 written communications from you to Dr. Kamiar Alaei

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1 concerning what he was allowed to do and not do, in
2 terms of Arash Alaei's alternative assignment?

3 A. I don't recall.

4 Q. Okay. Was Kamiar Alaei, at the time, a supervisor
5 or sort of a -- somebody in a superior employment
6 position to Arash Alaei while Arash was on his
7 alternative assignment?

8 A. Could you ask the question again?

9 Q. Sure. At the time of Arash's alternative
10 assignment, was Kamiar Alaei a supervisor or
11 somebody who had oversight over Arash Alaei at that
12 time?

13 A. I don't believe so, no.

14 Q. Do you recall Arash Alaei ever contacting you to
15 have -- to solicit permission to be able to discuss
16 his work while on alternative assignment with any
17 interns?

18 A. Well, I mean, this e-mail that's on the screen is
19 precisely that. I don't remember who the Numbers 3,
20 4 and 6 are, as to whether they were student interns
21 or whoever. But yes, indeed, he did reach out to me
22 for permission to be in touch with these other
23 entities regarding his work.

24 Q. Okay. And that might have included interns at some
25 point?

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1 A. It might have included interns, yes.

2 Q. If I can refer you to the document identified as
3 [Exhibit F-2](#)?

4 (Claimant [Exhibit F-2](#) is marked for
5 identification.)

6 BY MR. CASTIGLIONE:

7 Q. Okay. Dr. Charles, this document identified as
8 [Exhibit F-2](#), do you recall having e-mail
9 communications with Arash Alaei in June 2017 that
10 might have included the title or subject line "My
11 report and communication with interns"?

12 A. I don't recall.

13 Q. Is it possible you did have an e-mail discussion
14 with Arash Alaei at the time about whether or not he
15 was able to communicate with interns for whatever
16 reason he was raising?

17 A. Yes, I may have had that discussion.

18 Q. Okay. Do you know if you located an e-mail with
19 this title reflected on [Exhibit F-2](#), dated 6/14/2017
20 as part of your reference looking at documents?

21 A. I don't recall.

22 (REQUEST) MR. CASTIGLIONE: Just for the record,
23 to the extent we can do a search for an e-mail
24 on 6/4/17 with this title, we'd, you know,
25 reiterate that request as part of discovery,

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1 Anthony?

2 MR. ROTONDI: That's been done, but
3 I'll ask them to look again.

4 MR. CASTIGLIONE: Okay.

5 BY MR. CASTIGLIONE:

6 Q. Now, back to the May 9, 2018 interrogation, do you
7 also recall there being discussions about GIHHR
8 materials and Arash Alaei being identified then
9 about a University of Beirut conference.

10 A. I recall that mention was made or reference was made
11 to the University of Beirut conference in that
12 interrogation, but I don't recall the details about
13 that conversation.

14 Q. Back to the issue of Arash Alaei, you know, having
15 discussions with interns or whether or not Kamiar
16 Alaei was directed not to talk about GIHHR matters
17 with Arash Alaei after he was on alternative
18 assignment, did anyone from SUNY personnel or HR
19 reach out to you before May 9, 2018 to find out what
20 knowledge or information you may have about those
21 issues?

22 A. I don't recall.

23 Q. At the interrogation on May 8, 2018, do you recall
24 disagreeing in any meaningful way with Dr. Alaei's
25 explanation as to how GIHHR was operating, including

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1 to how funds or grants were dealt with?

2 A. I don't recall. In fact, I was mostly silent, if
3 not completely silent during that interrogation, but
4 I don't recall.

5 Q. And just to be clear, you don't recall having any
6 kind of disagreement? And I don't mean you
7 vocalized it. In listening to what he said, do you
8 recall having any, you know, thoughts or feelings
9 otherwise that you really disagreed with anything he
10 said about his explanation about how GIHHR was
11 operated and how funds were handled?

12 A. Yeah, I really don't recall.

13 Q. If I were to ask you the same question about
14 Dr. Alaei's explanation about issues raised
15 concerning the University of Beirut conference in
16 terms of the publication materials, would that be
17 the same answer?

18 A. I don't recall.

19 Q. You said you did read my letter dated May 21, 2018
20 that's identified as C-3, [Exhibit C-3](#); is that
21 correct?

22 A. Yes.

23 Q. Do you recall, as you were reading it, having any
24 concerns or materially disagreeing with anything
25 represented in that letter?

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1 MR. ROTONDI: I'm going to object to
2 the form of the question. He hasn't read that
3 letter in I don't know how long, so I'm going
4 to direct him not to answer that question in
5 that form.

6 BY MR. CASTIGLIONE:

7 Q. Okay. Do you recall when you read that letter in
8 2018 or 2019 -- or I'm sorry, strike that.

9 Do you recall when you read my letter
10 of May 21, 2018, identified as [Exhibit C-3](#), do you
11 recall, as you sit here today, whether you had any
12 opinion or feeling that issues raised in there were
13 not accurate?

14 MR. ROTONDI: Object to the form of
15 the question. I'll let him answer, if we can
16 just move this along.

17 A. I think that the one issue that was mentioned in the
18 letter that was surprising, was that Kamiar Alaei
19 seemed to be taking issue with my role as his
20 supervisor. And it seemed to suggest that I wasn't
21 really his supervisor, and that came as a surprise
22 to me. That was the one thing that I found
23 inconsistent with what I knew and assumed all along.

24 Q. Understood. So if I could refer you to -- actually,
25 strike that.

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1 Are you aware of whether any formal or
2 informal complaint was filed against Dr. Alaei that
3 served as the basis for the February 8, 2018 letter
4 from SUNY Albany in the placement of him on
5 alternative assignment?

6 A. I am not aware of a formal complaint. What I heard
7 was that there were allegations of inappropriate
8 behavior with one or more intern -- interns in
9 Beirut at the conference, and that was all that I
10 heard, and I heard it in an informal manner.

11 Q. Okay. Who did you hear it from, if at all?

12 A. Well, I believe I heard it in the context of the
13 meeting that was convened, called by the Provost,
14 and I believe the Title IX Coordinator was there as
15 well where -- and the Director of Communications
16 where we were brought together to talk about changes
17 to the leadership in light of this complaint.

18 Q. I want to introduce what's been identified as
19 Exhibit D, Number 1.

20 (Claimant [Exhibit D-1](#) is marked for
21 identification.)

22 BY MR. CASTIGLIONE:

23 Q. Dr. Charles, I'm showing you what's been identified
24 as Defendant's -- or excuse me, Claimant's Exhibit
25 D-1, which is a series of e-mails dated March 26th,

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1 between Brian Selchick and Chantelle Cleary. Do you
2 have any understanding as to their roles in the
3 investigation concerning Dr. Alaei in 2018 as of
4 March 2018?

5 A. My understanding was that Chantelle Cleary, as the
6 Title IX Coordinator, was involved in the -- in
7 conducting an investigation and that Brian Selchick
8 was acting in his capacity as an officer associated
9 with the office of human resources. That's about
10 all I know about their roles.

11 Q. Okay. No, that's fine.

12 The first e-mail here at the bottom
13 from Brian Selchick, dated Monday, March 26, 2018 to
14 Chantelle Cleary, subject is "reporting parting
15 status." It says: "Hi, Chantelle. Forgot to ask
16 you today about -- blank -- status. Is she still at
17 the GIHHR or nearby? Want to make sure I didn't
18 miss a safety/well-being/retaliation concern if and
19 when Kamiar comes back. Thanks."

20 There's a response e-mail from
21 Chantelle Cleary, dated Monday, March 26, 2018, to
22 Brian Selchick saying: "I thought we agreed he
23 wasn't going to come back. I'm confused."

24 Are you aware or did anyone make you
25 aware at or around this time, March 26, 2018, that

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1 the HR personnel, Brian Selchick, and the Title IX
2 Coordinator, Chantelle Cleary, had made a
3 decision -- or made an agreement that Dr. Alaei
4 wasn't coming back to SUNY Albany?

5 A. No.

6 Q. You never heard anybody discussing those types of
7 issues around that time?

8 A. No.

9 Q. If I can refer you to Claimant's D-2 and just the
10 first page.

11 (Claimant's [Exhibit D-2](#) is marked for
12 identification.)

13 BY MR. CASTIGLIONE:

14 Q. Dr. Charles, Claimant's [Exhibit D-2](#) is an e-mail
15 from Randy Stark to others, dated July 6, 2018. And
16 as we discussed, Randy Stark was one of the SUNY HR
17 peer personnel conducting the investigation into
18 Dr. Alaei; is that correct?

19 A. I'm sorry, but could you repeat the question?

20 Q. Sure. Dr. -- or I'm sorry. Randy Stark was one of
21 the SUNY HR personnel conducting the investigation
22 into Dr. Alaei into 2018; is that correct?

23 A. I don't know if he was involved in conducting the
24 investigation, but I know that he was involved in
25 the issue, especially because of his role in the

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1 interrogation.

2 Q. Okay. In this e-mail, Mr. Stark writes as follows:
3 "I've attached a counseling that we worked on for
4 Kamiar Alaei. It was a struggle writing it, as
5 there wasn't really anything to counsel him on,
6 since the sexual misconduct allegations were
7 unfounded. We plan to give him policies on sexual
8 harassment, workplace violence, et cetera, but for
9 what purpose, as we are going to non-renew him and
10 buy him out. After discussing the question does it
11 really serve any purpose to issue this memo, other
12 than it gives KA and his attorney more info for
13 their war chest?"

14 This reference to non-renew and buy
15 him out, do you know who has the authority at SUNY
16 Albany to make a determination to not renew and buy
17 out an employee?

18 A. I don't know.

19 Q. Okay. Would that be something anybody consulted
20 with you on at the time of this e-mail dated July 6,
21 2018?

22 A. No, no one consulted with me about this.

23 MR. CASTIGLIONE: Can we just give
24 me -- let's take a five-minute break and then
25 I'll just look at my notes and then if I have

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1 any follow-up questions; is that okay?

2 MR. ROTONDI: Sure. Okay by me.

3 (Whereupon, a recess is taken.)

4 BY MR. CASTIGLIONE:

5 Q. Dr. Charles, just a couple of follow-up questions.

6 As to Arash Alaei, do you recall the Beirut
7 conference, if SUNY Albany paid for Arash Alaei's
8 trip to that matter?

9 A. No, that -- I don't recollect ever knowing about
10 that.

11 Q. Okay. Is that something you would know or you would
12 not know?

13 A. I was not always informed of the nature of the
14 conference that Arash attended. However, to the
15 extent that I would know, it would be in line
16 with his responsibilities either at CIEGS or with
17 GIHHR and -- but I -- this does not ring a bell for
18 me at all.

19 Q. Okay. And if Arash, during his alternative
20 assignment, wanted to communicate with anybody, he
21 needed to contact you for approval first?

22 A. I believe I would be one of the people he would need
23 to be in touch with, yes.

24 Q. Are you able to identify who the other people might
25 be he would have to notify?

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1 A. Well, he could reach out to people in human
2 resources as well.

3 Q. And during his alternative assignment, Arash Alaei
4 was still identified as a Director of GIHHR; is that
5 correct?

6 A. I don't remember.

7 MR. CASTIGLIONE: That's it. Thank
8 you very much for your time.

9 (Transcript requests are as follows.)

10 MR. CASTIGLIONE: Standard delivery,
11 E-mail only with exhibits.

12 MR. ROTONDI: E-mail my copy.

13 (Whereupon, the above-titled matter
14 was concluded at 1:14 p.m.)
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I N D E X P A G E

WITNESS:

HARVEY CHARLES

EXAMINATION BY MR. CASTIGLIONE

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E X H I B I T S

(Exhibits attached.)

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<u>EXHIBIT A-3</u>	2/8/18 E-mails	18
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12	<u>EXHIBIT D-2</u>	7/6/18, 7/9/18 and 7/10/18 E-mails	91
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15	<u>EXHIBIT E-2</u>	4/16/14 UAlbany letter from Jones to Alaei	69
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R E Q U E S T S

21	PAGE/LINE	DESCRIPTION
22	85/22	6/4/17 E-mail

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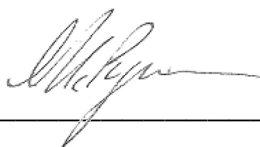
C E R T I F I C A T I O N

STATE OF NEW YORK:
COUNTY OF WARREN:

I, Deborah M. McByrne, do hereby certify that the foregoing testimony was duly sworn to; that I reported in machine shorthand the foregoing pages of the above-styled cause, and that they were prepared by computer-assisted transcription under my personal supervision and constitute a true and accurate record of the proceedings;

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

WITNESS my hand in the City of Queensbury,
County of Warren, State of New York

A handwritten signature in cursive script, appearing to read 'D. McByrne', is written over a horizontal line.

DEBORAH M. McBYRNE
Court Reporter

DR. HARVEY CHARLES

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DECLARATION/WITNESS CERTIFICATION

Case: Alaei v. State University of New York

Witness: Dr. Harvey Charles

Deposition Date: January 13, 2021

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

DR. HARVEY CHARLES

Sworn to before me, this ____ day
of _____ 20____ .

[_____](print)
Notary Public.

Registration No: _____

State of _____

Qualified in _____ County.

My commission expires _____.

DR. HARVEY CHARLES

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1 DEPOSITION ERRATA SHEET

2 Case: Alaei v. State University of New York

3 Witness: Dr. Harvey Charles

4 Deposition Date: January 13, 2021

5 Reason Codes:

6 1: To clarify the record

7 2: To conform to the facts

8 3: To correct transcription errors.

9 PAGE/LINE

CORRECTION

REASON CODE

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